

PAUL DEPETRILLO
CHAIRMAN



FRANK J. PICOZZI
MAYOR

POSTED 1/31/2022

CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
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MINUTES OF THE JANUARY 11, 2022 MEETING

A hybrid regular hearing of the Warwick Zoning Board of Review was held on Tuesday, January 11, 2022 at 6:00 P.M. in the City Council Chambers, Warwick City Hall, 3275 Post Road, Warwick, Rhode Island, and via Zoom Webinar. The meeting was called to order by Chairman Paul DePetrillo.

The Secretary called the roll and noted the following members were present:

Present: Paul DePetrillo - Chairman
Robert DeGregorio – Vice-Chairman
Salvatore Deluise
Lorraine Byrne
Walter Augustyn
Constance Beck – Alternate
Julie Finn – Alternate

Also present: David Petrarca, Esq., City Solicitor
Daniel Geagan, Warwick Planning Department
Mary Ellen Hall - Stenographer
Amy Cota, Secretary

The Chairman asked if there were any petitions to be WITHDRAWN or CONTINUED.

Attorney John Revens requested a one month continuance for Petition #10753, for Quinlan Properties, 3880 Post Road, Warwick, RI, and Jeffrey Quinlan, 1220 Ives Rd., Warwick, RI.

The Chairman called the first petition:

Petition #10758

Ward 2

441 Warwick Avenue

The petition of Kenneth Gregory, 441 Warwick Avenue, Warwick, RI, request a use variance to replace the existing free-standing sign with a new free-standing LED message board sign (24 sq. ft. per side). Proposed sign being prohibited by the Zoning Ordinance. Petitioner is also seeking a dimensional variance for the proposed free-standing sign having less than required front yard setback. Assessor's Plat 290, Lot 111, zoned General Business (GB).

K. Joseph Shekarchi, Esq. was present and representing the petitioner.

Attorney Shekarchi stated they met verbally with the Planning Department, and they have no objection to the stipulations, but would request stipulation #5 be modified to allow the sign to operate at their dry cleaning business between the hours of 6:00 A.M. and 9:00 P.M.

Attorney Shekarchi stated the petitioner has agreed to all stipulations, and will be cleaning this property up substantially.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated this will be a major improvement from what's there, and made a motion with an amendment to stipulation #5 to allow the sign to operate one hour before the open of the business, and one hour after the close of the business. The motion was seconded by Walter Augustyn, and passed unanimously by the Board that the petition be GRANTED WITH AMENDED STIPULATIONS.

Petition #10761

Ward 5

14 Alden Ave.

The petition of Marisa J. Almon, 14 Alden Avenue, Warwick, RI, request a dimensional variance for constructing a platform six feet off the ground, without the proper Permits, to store an air conditioning condenser and a generator. Platform, generator and condenser having less than required front/corner side yard setback (from Mayflower Ave). Assessor's Plat 356, Lot 320, zoned Residential A-15.

The Chairman stated he received a letter from Attorney Mary Shekarchi requesting this petition be continued to the February 8, 2022 meeting.

A motion was made by Robert DeGregorio, seconded by Walter Augustyn and passed unanimously by the Board that the petition be continued to February 8, 2022.

Petition #10763

Ward 9

1149 Division Street

The petition of JT Development Partners, LLC, 1149 Division St., E. Greenwich, RI, and TPG Dev. Con., 1140 Reservoir Ave., Cranston, RI, requests an amendment to a previously approved conditional special use permit approved by this Board in June 2021 to construct a new gas station/convenience store. Petitioner requests additional conditional dimensional variances as follows: Proposed driveway (curb cut) wider than allowed; Install a transformer, an air tower & a heated enclosure as required by local water authority regulations, having less than required front yard setback; Create 8 parking spaces with Tesla charging stations in the rear of the property, having less than required side yard and rear yard setbacks to the residential zoning district; Less than required setbacks to parking spaces from the outdoor seating area, Construct two drive aisles wider than allowed for future access to adjacent Lot #7; Install a new free-standing sign, larger than allowed (103.9 sq. ft. per side), and having a proposed height of 25' (15' required). Assessor's Plat 215, Lot 8, zoned General Business (GB).

K. Joseph Shekarchi, Esq. was present and representing the petitioner.

Attorney Shekarchi stated this is an amendment to a prior approval from this Board to add electric vehicle chargers. He stated he spoke to Mr. Geagan who pointed out a technical error in the application regarding the size of the proposed free-standing sign. The Board is limited to granting relief for the sign to have a maximum height of 22.5'.

Lorraine Caruso Byrne stated she wasn't present for the prior petition, and asked if this has been reviewed by the State, and what is the situation with traffic.

Attorney Shekarchi stated they received most State approvals, and if they haven't, then they will. He stated this will be an enhancement to the area. There is a wonderful model of what is being proposed on the corner of Airport and Post Rd., a first-class, high-quality gas station.

Ms. Byrne asked about traffic. Attorney Shekarchi stated there is a traffic light that accommodates the traffic.

Robert DeGregorio asked if there was a reason they are looking to have a higher sign than what is existing at their Airport Road location. He stated that location seem to be doing very well, and the size of that sign is adequate. Attorney Shekarchi stated the proposed height of the sign is due to the topography of the area, and the traffic as well.

Jeff Carter, from Dion Signs was present and sworn in by the Chairman.

Mr. Carter stated the signs at the Airport Road location are only 10' high, and would not be sufficient for this site. The signs near and around the Showcase average 20' - 25'.

Once the new bridge is done between East Greenwich and Warwick, you are going to need that line of site over the top of the bridge.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated the hardship is based on the unique characteristics of the land, it won't alter the general characteristics of the surrounding area, and made a motion to approve the petition, with the stipulation of reducing the height of the sign to 22.5'. The motion was seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10762

Ward 9

94 Herbert St.

The petition of Jeffrey & Kathleen Miner, 94 Herbert St., E. Greenwich, RI, request a dimensional variance to convert the existing shed to a cabana with a small kitchen, a changing room, a bathroom, and a covered deck. Proposed cabana & deck having less than required front corner/side yard setback. Assessor's Plat 222, Lot 109, zoned Residential A-15.

Daniel Geagan from the Planning Department read the stipulations into the record.

Jeffrey & Kathleen Miner, Petitioners, 94 Herbert Street, E. Greenwich, RI, were present and sworn in by the Chairman.

The petitioners stated they would like to convert the existing shed to usable space. Their property abuts the water, and they intend to use it for family functions and for their six grandkids to use after getting out of the water.

The petitioners agreed to the stipulations placed on the approval.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, he stated the Board received a letter in favor of the petition from an abutting neighbor. Robert DeGregorio made a motion based on the hardship being due to the unique characteristics of the subject property, being the least relief necessary, and the proposed cabana won't alter the general characteristics of the surrounding area, as the structure is existing. The motion was seconded by Salvatore Deluise, and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10764

Ward 5

46 Burnett Rd.

The petition of Kevin Clynes, 46 Burnett Rd., Warwick, RI, request a dimensional variance to install a generator on an undersized non-conforming lot. Proposed generator having less than required side yard setback. Assessor's Plat 380, Lot 183, zoned Residential A-15.

Kevin Clynes, Petitioner, 46 Burnett Rd., Warwick, RI was present and sworn in by the Chairman.

The petitioner stated he is proposing to install a generator having less than required side yard setbacks. The proposed side yard setback will be 7.3' (10' required).

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated due to the unique characteristics of the subject property, being no prior action of the applicant, made a motion to approve the petition, seconded by Paul DePetrillo, and passed unanimously by the Board that the petition be GRANTED.

Petition#10765

Ward 6

42 Tenth Ave.

The petition of Robert Remick & Susan Quaine, 42 Tenth Ave., Warwick, RI, request a dimensional variance to construct a 24' x 36' three car detached garage with storage only above. Proposed garage height being higher than allowed for an accessory structure. Assessor's Plat 373, Lot 242, zoned Residential A-15.

Robert Remick, Petitioner, 42 Tenth Ave., Warwick, RI, was present and sworn in by the Chairman.

The petitioner stated he is before the Board tonight for the height of the proposed three-car detached garage. He is seeking relief for 18". The proposed garage will have a height of 21.5' (20' required).

Lorraine Caruso Byrne stated the 21.5' height doesn't include the proposed cupola. She stated the space above the garage is large enough to be living space. Mr. Remick stated the space above will be strictly storage. There will be no heat or electricity. He agreed to abide by all stipulations.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion. He stated the new garage will fit in to the character of the area, the petitioner suffers a hardship with an easement on his property from National Grid, and the petitioner agreed to the stipulations. The motion was seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED WITH STIPULATIONS.

Petition #10766

Ward 1

386 Parkside Drive

The petition of Linda Teel, Philip Teel and Marna Whitworth, 386 Parkside Dr., Warwick, RI, request a dimensional variance to construct a 9' x 12' addition to the existing two-story deck. First floor to be converted to a three-season room, second floor will remain an open deck. Proposed three-season room and deck having less than required side yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 304, Lot 2, zoned Residential A-40.

Linda Teel, Petitioner, 386 Parkside Drive, Warwick, RI, was present and sworn in by the Chairman.

Ms. Teel stated the decks in the rear needs to be replaced. They are proposing to replace the existing two-story deck and construct a 9' x 12' addition to the new decks. The first floor deck will be converted to a three season room, and the top deck will remain an open deck.

Ms. Byrne asked the petitioner if she spoke with the neighbors about it. Ms. Teel stated she had a note from one neighbor, that she read into the record.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio stated he believes the hardship is due to the unique characteristics of the property. The proposed won't alter the general characteristics of the surrounding area, and made a motion, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

Petition #10767

Ward 9

153 Beachwood Drive

The petition of Richard DeFusco & Karen Gregory, 20 Saw Mill Dr. #206, North Kingstown, RI, request a dimensional variance to construct an addition to the rear of the dwelling. Proposed addition having less than required side yard & rear yard setback. Subject property being an undersized non-conforming lot. Assessor's Plat 203, Lot 327, zoned Residential A-15.

Richard DeFusco & Karen Gregory, Petitioners, 20 Saw Mill Drive, No. Kingstown, RI, were present and sworn in by the Chairman.

The petitioners stated they purchased the house in May 2021. The rear portion of the dwelling is shaped as a "T". They are proposing to construct a small addition on both sides to square it off.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion, seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED

Petition #10768

Ward 6

349 Promenade Avenue

The petition of Michael & Patricia Carroll, 349 Promenade Ave., Warwick, RI, request a dimensional variance to construct a 15'-4" x 11' bathroom addition on the second floor of the existing non-conforming single family dwelling. Proposed addition having less than required front/corner side yard setback. Subject property being an existing undersized non-conforming lot. Assessor's Plat 373, Lot 95, zoned Residential A-15.

Michael Carroll, Petitioner, 349 Promenade Ave., Warwick, RI, was present and sworn in by the Chairman.

Mr. Carroll stated the house is bound by three streets, and was originally built as a beach house. He is proposing to construct a new bathroom on the second floor. He's not increasing the non-conformity, just going up.

The Chairman asked if there was anyone present in opposition or in favor of the petition. There being none, Robert DeGregorio made a motion based on the unique characteristics of the subject property, being bound by three streets, and being the least relief necessary. The motion was seconded by Paul DePetrillo and passed unanimously by the Board that the petition be GRANTED.

A motion was made by Robert DeGregorio to approve the December 14, 2021 Regular Meeting Minutes, seconded by Paul DePetrillo, and passed unanimously by the Board.

The regular meeting of the Warwick Zoning Board was adjourned at 7:20 p.m.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Paul DePetrillo, Chairman